

PATENT & TRADEMARK  
OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of the Patent of )  
Donald M. Yale )  
Patent No. 5,271,638 )  
Issued: December 21, 1993 )  
Application No. 930,997 )  
Filed: August 17, 1992 )  
For: TRUCK STEERING STABILIZER )

Group No. 3106

Examiner: Eric D. Culbreth  
Attorney's Dkt. No. 9312

MAY 12 98

PATENT MAINTENANCE  
DIVISION

#15

Commissioner of Patents and Trademarks  
Washington D. C. 20231

**PETITION FOR REINSTATEMENT OF PATENT UNDER 37 CFR 1.13**  
**AND PAYMENT OF MAINTENANCE FEE UNAVOIDABLY DELAYED**

**1. Petition:**

Applicant petitions for the reinstatement of the above identified patent and acceptance of the late payment of the first maintenance fee in the amount of \$525.00 and the surcharge in the amount of \$700.00;

**2. Nature of Lapse:**

A communication from the Patent and Trademark Office headed Maintenance Fee Reminder, dated June 29, 1997, received by the Applicant's Attorney shortly after August 8, 1997, noted that the above-identified patent would expire for failure to timely pay the first maintenance fee.

**3. Payment of Maintenance Fee and Surcharge:**

The required first maintenance fee and surcharge are submitted herewith;

**4. Verified Showings:**

Affidavits from the relevant parties showing the causes of the unavoidable delay are filed herewith; consideration of the supporting affidavits filed herewith is requested;

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**5. Procedure for Payment:**

525.00 OP

It will be seen from the attached showings that the processing procedure has been carefully reviewed and that steps have been taken to avoid failure to timely pay the maintenance fee.

6. Status of Applicant:

This applicant is a small business entity; a verified statement was filed with the original application and a verified statement was filed with the Issue Fee payment;

7. Fee payment:

A check in the sum indicated above is attached;

It is requested that the first maintenance fee and surcharge be accepted and that the patent be reinstated.

Respectfully submitted,



Robert Nisbett  
Attorney for Applicant  
Registration Number 25, 433  
311 Anniversary Dr.  
Longview, Texas 75604  
903-297-3031  
FAX 903-297-7041

Dated: 4 May 98

CERTIFICATE OF MAILING (37 CFR 1.8a)

I, the undersigned, certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231 or being sent Express by Federal Express.

Date: 4 May 98

  
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Robert Nisbett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of the Patent of

Donald M. Yale

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Patent No. 5,271,638

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Issued: December 21, 1993

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Application No. 930,997

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For: TRUCK STEERING STABILIZER

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Group No. 3106

Examiner: Eric D. Culbreth

Attorney's Dkt. No. 9606

Commissioner of Patents and Trademarks

Washington D. C. 20231

**PETITION FOR REINSTATEMENT OF PATENT UNDER 37 CFR 1.378**  
**AND PAYMENT OF MAINTENANCE FEE UNAVOIDABLY DELAYED**  
**AFFIDAVIT ON BEHALF OF APPLICANT**

THE STATE OF TEXAS )

COUNTY OF GREGG )

BEFORE ME, the undersigned, authority, on this day personally appeared Robert Nisbett, and who after being by me sworn deposes and says;

1. My name is Robert Nisbett; I am an attorney licensed to practice in the State of Texas and before the United States Patent and Trademark Office; I have been registered to practice before the United States Patent and Trademark Office since April 27, 1970; for over 12 years, I worked in the United States as a Patent Attorney for several major corporations and have been in private practice before the Patent Office since 1970; since 1993 I have maintained a one man law office in Longview, Texas; I have been in the general practice of law before the local Texas and Federal Courts in the fields of criminal law, family law and other areas including Intellectual Property law before the Patent and Trademark Office; except for occasions when my wife, Patricia, assists with answering the telephone, with some typing and with filing in the office, I handle all of the work in the office;

2. I prepared and prosecuted the caption patent application which was issued on December 21, 1993;

3. A continuation-in-part application of the reference application and patent has been ✓ prepared, filed and is in prosecution before the United States Patent Office;

4. I have known the inventor, Mr. Donald Yale, for several years and have consulted with him concerning the above described patent applications on several occasions and concerning manufacture and sale of one embodiment of the device described in the applications; Mr. Yale is

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a retired truck driver and he and his wife live on social security payments of about \$1,000.00 a month and operate a business manufacturing and selling the device; when the patent was issued, I gave Mr. Yale a copy of the rules and statutes concerning payment of the maintenance fees and the amounts of such fees;

5. The first maintenance fee for the Patent No. 5,271,638 was due between December 21, 1996, and June 21, 1997;

6. Sometime after August 8, 1997, I received a Maintenance Fee Reminder from the Patent and Trademark Office (copy attached as Exhibit A) which I gave to Mr. Yale during one of our office visits concerning the pending application and other matters concerning manufacture of the device;

7. During another office visit in March 1998, Mr. Yale indicated that he had not been able to pay the maintenance fee because of the limited income on which he and his wife lived and that he thought he could now pay the maintenance fee; the amount of the fee and surcharge required were discussed and Mr. Yale ask me to prepare the necessary papers;

8. For sometime I have foregone payment of attorney's fees in connection with the pending application and other work for Mr. Yale; I hope to see him succeed with the patent and when he does I am sure Mr. Yale will be able to make up any fees due;

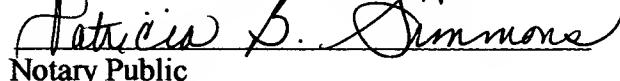
9. After a diligent search of the files and records, Affiant is not aware of any other communications or records concerning payment of the Maintenance Fee;

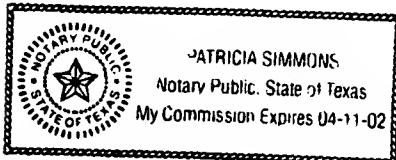
Further Affiant sayeth not.

BEFORE ME, the undersigned authority, personally appeared Robert Nisbett, who upon oath deposes and says that he is the Attorney for Applicant herein, that he has personal knowledge of the facts stated in the above Affidavit and that said facts are true and correct.

  
\_\_\_\_\_  
Robert Nisbett

SUBSCRIBED AND SWORN TO before me on this the 30 day of April, 1998.

  
\_\_\_\_\_  
Patricia S. Simmons  
Notary Public





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

P75M

ROBERT S. NISBETT  
311 ANNIVERSARY DRIVE  
LONGVIEW TX 75604

DATE PRINTED

7/29/97

## MAINTENANCE FEE REMINDER

According to the records of the Patent and Trademark Office, the maintenance fee for the Patent(s) listed below, for which the above address is of record as the fee address under CFR 1.363 has not been paid within the six-month period set forth in 37 CFR 1.362(d). THE MAINTENANCE FEE MAY STILL BE PAID WITH THE APPLICABLE SURCHARGE SET FORTH IN 37 CFR 1.20(k) or (l), WITHIN THE SIX-MONTH GRACE PERIOD SET FORTH IN 37 CFR 1.362(e).

Each patent for which the applicable maintenance fee is not paid to the Patent and Trademark Office on or before the date the fee is due or within the grace period, accompanied with the applicable surcharge if paid within the grace period, WILL EXPIRE AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b).

A PATENT EXPIRES AT THE END OF THE SAME DATE (ANNIVERSARY DATE) THE PATENT WAS GRANTED IN THE 4TH, 8TH, OR 12TH YEAR AFTER THE GRANT DEPENDING ON WHICH MAINTENANCE FEE WAS NOT PAID. 37 CFR 1.362(g).

THE PAYMENT DUE AS SET FORTH BELOW IS BASED ON THE SMALL ENTITY STATUS ACCORDING TO CURRENT OFFICE RECORDS.

TIMELY PAYMENT OF THE TOTAL FEE DUE IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT.  
NOTE 37 CFR 1.378

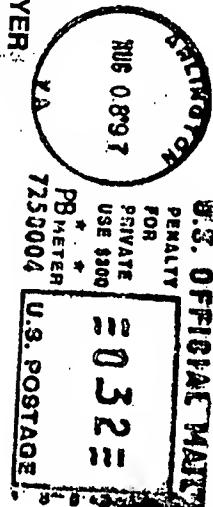
PATENT NUMBER	MNT FEE AMT	U.S. SUR CHG	SERIAL NUMBER	PATENT DATE	APPLI- CATION FILE DATE	PAY- MENT YEAR	SMALL ENT- ITY ?	TOTL DUE	ATTORNEY NUMBER
5271638	510	65	07930997	12/21/93	8/17/92	04	YES	575	9208

DIRECT THE RESPONSE TOGETHER WITH A COPY OF THIS NOTICE, AND ANY QUESTIONS ABOUT THIS NOTICE TO:  
COMMISSIONER OF PATENTS AND TRADEMARKS, BOX M. FEE, WASHINGTON, D.C. 20231

PTOL-440  
MF440A

Organization \_\_\_\_\_ Bldg./Room \_\_\_\_\_  
**U.S. DEPARTMENT OF COMMERCE**  
**PATENT AND TRADEMARK OFFICE**  
**WASHINGTON, D.C. 20231**  
**IF UNDELIVERABLE RETURN IN TEN DAYS**

AN EQUAL OPPORTUNITY EMPLOYER



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COUNTY OF GREGG )**

BEFORE ME, the undersigned, authority, on this day personally appeared Donald M. Yale, and who after being by me sworn deposes and says:

1. My name is Donald M. Yale; I am the inventor, applicant and owner of the reference patent and the subject material therein;
2. A continuation-in-part application of the reference application and patent has been prepared, filed and is pending before the United States Patent Office;
4. I have known Mr. Nisbett for several years and have consulted with him concerning the above described patent applications on several occasions and concerning manufacture and sale of one embodiment of the device described in the applications; I am a retired truck driver and my wife and I live on social security payments of about \$1,000.00 a month; the income is barely enough for us to live and we operate a business manufacturing and selling one embodiment of the device described in the patent; when the patent was issued, I received from Mr. Nisbett a copy of the rules and statutes concerning payment of the maintenance fees and the amounts of such fees; I intended to be able to timely pay the first maintenance fee when it became due:
5. The first maintenance fee for the Patent No. 5,271,638 was due between December 21, 1996, and June 21, 1997;

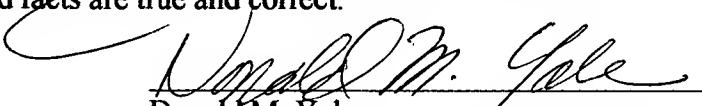
6. Sometime after August 8, 1997, Mr. Nisbett and I discussed the Maintenance Fee Reminder from the Patent and Trademark Office (copy attached to Mr. Nisbett's affidavit as Exhibit A) which indicated the fees were due and which I planned to pay as soon as I was able;

7. During another office visit in March 1998, I indicated to Mr. Nisbett that I had not been able to pay the maintenance fee because of the limited income on which my wife and I live but that I thought I could now pay the maintenance fee; the amount of the fee and surcharge required were discussed and I ask Mr. Nisbett to prepare the necessary papers; I borrowed the funds to pay the maintenance fee and surcharge;

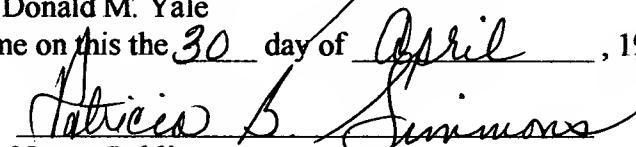
8. After a diligent search of the files and records, Affiant is not aware of any other communications or records concerning payment of the Maintenance Fee;

Further Affiant sayeth not.

BEFORE ME, the undersigned authority, personally appeared Donald M. Yale, who upon oath deposes and says that he is the herein, that he has personal knowledge of the facts stated in the above Affidavit and that said facts are true and correct.

  
Donald M. Yale

SUBSCRIBED AND SWORN TO before me on this the 30 day of April, 1998.

  
Patricia B. Simmons  
Notary Public

